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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,471	12/15/2000	Peter M. Black	5598-89CIP	9663
29858	7590	10/19/2006	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP			FRENEL, VANEL	
900 THIRD AVENUE			ART UNIT	PAPER NUMBER
NEW YORK, NY 10022			3626	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,471

Applicant(s)

BLACK ET AL.

Examiner

Vanel Frenel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-28,30,33,37 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-28, 30, 33, 37 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/5/06 has been entered.

Notice to Applicant

2. This communication is in response to the RCE filed on 5/5/06. Claims 1-24, 29, 31-32, 34-36 and 38-45 have been cancelled. Claims 25-28, 30, 33 and 37 have been amended. Claims 46-50 have been newly added. Claims 25-28, 30, 33, 37 and 46-50 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-28, 30, 33, 37, 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (2002/0022963) in view of Levine et al (5,745,681).

(A) As per claim 25, Miller discloses the method wherein the selected file is at least one of a link, a document, and or a thumbnail (See Miller, Page 11, Paragraphs 0141-0143).

(B) As per claim 26, Miller discloses the method further comprising:
receiving notice of a user request for the web page, said user request being received after the execution of said selecting (See Miller, Page 11, Paragraphs 0144-0146).

(C) As per claim 27, Miller discloses the method wherein said parsing comprises: performing a statistical word frequency analysis of the content to discover the one or more keywords (See Miller, Page 13, Paragraph 0186).

(D) As per claim 28, Miller discloses the method wherein analyzing at least one metatag in the web page to discover the one or more keywords (See Miller, Page 11, Paragraphs 0139-0142).

(E) As per claim 30, Miller discloses the method wherein said analyzing is executed to detect a plurality of contexts for the web page, and wherein said selecting is executed to select a plurality of products corresponding to the plurality of contexts, the method further comprising: ranking the plurality of contexts and the plurality of products (See Miller, Page 11, Paragraphs 0153-0155).

(F) As per claim 33, Miller discloses the method wherein said

analyzing is executed to detect a plurality of contexts for the requested web page, and wherein said selecting is executed to select a plurality of products corresponding to the plurality of contexts, the method further comprising:

contexts, the method further comprising: ranking the plurality of contexts and the plurality of products, such that said displaying is executed to display the plurality of products in accordance with the ranking (See Miller, Page 11, Paragraphs 0153-0155).

(G) As per claim 37, Miller discloses the method further comprising:

receiving notice of a user request for the web page, said user request being received prior to the execution of said analyzing or said selecting (See Miller, Page 13, Paragraphs 0188-0192).

(H) As per claim 46, Miller discloses a computer implemented method of selecting at least one file representing at least one product, the file relating to a web page on the World Wide Web (See Miller, Page 17, Paragraph 0250), the method comprising:

receiving the web page (See Miller, Page 8, Paragraph 0098; Page 9, Paragraph 0110);

analyzing the web page to detect a context for the web page (See Miller Page 9, Paragraph 0109).

Miller does not explicitly disclose selecting at least one file representing at least one product related to the detected context.

However, this feature is known in the art, as evidenced by Levine. In particular, Levine suggests selecting at least one file representing at least one product related to the detected context (See Levine, Col.4, lines 48-67 to Col.5, line 22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Levine within the system of Miller with the motivation of providing a page file generator generating the shopping page file and embedding the shopping cart field in the shopping page file (See Levine, Col.2, lines 43-45).

(I) As per claim 47, Miller discloses the method of claim 46, wherein said analyzing comprises:

parsing the content of the web page to discover one or more keywords published as part of the content (See Miller Page 11, Paragraph 0145); and

evaluating the one or more keywords to detect the context (See Miller, Page12, Paragraph 0161).

(J) As per claim 48, Miller discloses the method wherein said evaluating comprises: comparing the one or more keywords with a synonym to detect the context (See Miller Page 12, Paragraph 0161).

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(K) As per claim 49, Miller discloses a method of selecting and displaying at least one file representing at least one product, the file relating to a web page on the World Wide Web (See Miller, Page 11, Paragraphs 0151-0153), the method comprising:

receiving notice of a user request for a web page (See Miller, Page 13, Paragraphs 09191-0193);

receiving the requested web page (See Miller Page 8, Paragraph 0098; Page 9, Paragraph 0110);

analyzing the requested web page to detect a context for the requested web page (See Miller Page 9, Paragraph 0109);

producing a second page including the requested web page and the file (See Miller, Page 11, Paragraph 0153); and

displaying the second page to the user (See Miller, Page 11, Paragraph 0153).

Miller does not explicitly disclose selecting at least one file representing at least one product related to the detected context.

However, this feature is known in the art, as evidenced by Levine. In particular, Levine suggests selecting at least one file representing at least one product related to the detected context (See Levine, Col.4, lines 48-67 to Col.5, line 22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Levine within the system of Miller with the motivation of providing a page file generator generating the shopping page file and

embedding the shopping cart field in the shopping page file (See Levine, Col.2, lines 43-45).

(L) Claim 50 differs from claims 46 and 49 by reciting a computer readable storage medium including computer executable code for selecting at least one file representing at least one product.

As per this limitation, it is noted that Miller discloses the file relating to a web page on the World Wide Web, the code enabling the steps of:

receiving the web page (See Miller Page 8, Paragraph 0098; Page 9, Paragraph 0110);

analyzing the web page to detect a context for the web page (See Miller Page 9, Paragraph 0109) and Levine discloses selecting at least one file representing at least one product related to the detected context (See Levine, Col.4, lines 48-67 to Col.5, line 22).

Therefore, it is readily apparent that these prior art system utilize a computer readable storage medium including computer executable code for selecting at least one file representing at least one product to perform their specified function.

The remainder of claim 50 is rejected for the same reasons given above for claims 46 and 49, and, are incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 5/5/06 with respect to claims 25-28, 30, 33, 37 and 46-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches system, method article of manufacture for network electronic authorization utilizing an authorization instrument (5,815,657) and e-commerce enabling virtual streaming multimedia server, system, method and article (2004/0199575).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F
V.F

October 14, 2006

Sandra Hammy 10/16/06
Primary Examiner